



General Assembly

February Session, 2004

Raised Bill No. 54

LCO No. 237

00237_____LAB

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CONCERNING SCARRING AND DISFIGUREMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (c) of section 31-308 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (c) In addition to compensation for total or partial incapacity or for a
5 specific loss of a member or use of the function of a member of the
6 body, the commissioner, not earlier than one year from the date of the
7 injury and not later than two years from the date of the injury or the
8 surgery date of the injury, may award compensation equal to seventy-
9 five per cent of the average weekly earnings of the injured employee,
10 calculated pursuant to section 31-310, after such earnings have been
11 reduced by any deduction for federal or state taxes, or both, and for
12 the federal Insurance Contributions Act made from such employee's
13 total wages received during the period of calculation of the employee's
14 average weekly wage pursuant to said section 31-310, but not more
15 than one hundred per cent, raised to the next even dollar, of the
16 average weekly earnings of production and related workers in
17 manufacturing in the state, as determined in accordance with the

18 provisions of section 31-309, for up to [two hundred eight] one
 19 hundred four weeks, for any permanent significant disfigurement of,
 20 or permanent significant scar [on, (A) the face, head or neck, or (B) on
 21 any other area of the body which handicaps the employee in obtaining
 22 or continuing to work. The commissioner may not award
 23 compensation under this subsection when the disfigurement was
 24 caused solely by the loss of or the loss of use of a member of the body
 25 for which compensation is provided under subsection (b) of this
 26 section or for any scar resulting from an inguinal hernia operation or
 27 any spinal surgery] that causes disfigurement of any area of the body.
 28 In making any award under this subsection, the commissioner shall
 29 consider (1) the location of the scar or disfigurement, (2) the size of the
 30 scar or disfigurement, (3) the visibility of the scar or disfigurement due
 31 to hyperpigmentation or depigmentation, whether hypertrophic or
 32 keloidal, (4) whether the scar or disfigurement causes a tonal or
 33 textural skin change, causes loss of symmetry of the affected area or
 34 results in noticeable bumps or depressions in the affected area, and (5)
 35 other relevant factors. [Notwithstanding the provisions of this
 36 subsection, no compensation shall be awarded for any scar or
 37 disfigurement which is not located on (A) the face, head or neck, or (B)
 38 any other area of the body which handicaps the employee in obtaining
 39 or continuing to work.] In addition to the requirements contained in
 40 section 31-297, the commissioner shall provide written notice to the
 41 employer or its representative prior to any hearing held by the
 42 commissioner to consider an award for any scar or disfigurement
 43 under this subsection.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>

Statement of Purpose:

To allow workers' compensation commissioners greater flexibility in awarding additional workers' compensation benefits for permanent, significant disfigurements or scars on any area of the body.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]